

Tips for Participants



The screenshot shows a web browser window with the URL <https://app.gotowebinar.com/index.html#889888307/6101116743820216835/3028182954814294629>. The main content area displays the EPA logo and the title "ESA Workplan Update: Nontarget Species Mitigation for Registration Review and Other FIFRA Actions" dated November 17, 2022, from the U.S. Environmental Protection Agency. On the right, a "Questions" sidebar is visible. Annotations include arrows pointing to the microphone icon, the chat icon, the "Ask the staff a question" input field, and the "Send" button. The "Exit" button is also visible at the bottom of the sidebar.

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**ESA Workplan Update:
Nontarget Species Mitigation
for Registration Review and
Other FIFRA Actions**

November 17, 2022
U.S. Environmental Protection Agency

Questions

Ask the staff a question

Send

ESA Workplan Update: Nontarget Species Mitigation for Registration Review and Other FIFRA Actions

November 17, 2022

U.S. Environmental Protection Agency

Speakers

- **Tracy Perry**, Senior Regulatory Advisor, Pesticide Re-evaluation Division, Office of Pesticide Programs, U.S. EPA
- **Jake Li**, Deputy Assistant Administrator for Pesticide Programs, Office of Chemical Safety and Pollution Prevention, U.S. EPA
- **Melanie Biscoe**, Senior Regulatory Advisor, Pesticide Re-evaluation Division, Office of Pesticide Programs, U.S. EPA
- **Kristina Garber**, Senior Science Advisor, Environmental Fate and Effects Division, Office of Pesticide Programs, U.S. EPA

Presentation Outline

1. Overall approach to registration review
2. FIFRA Interim Ecological Mitigation
3. Endangered Species Protection Bulletins
4. Additional Strategies to Expedite Progress on ESA Workplan Initiatives



Introduction and Overview

- First workplan update
- Focus on early mitigation
- Greater efficiency and address litigation risk



**Balancing Wildlife Protection and
Responsible Pesticide Use:
How EPA's Pesticide Program Will Meet
its Endangered Species Act Obligations
2022**



www.epa.gov/endangered-species

Overall Approach to Registration Review

- Prioritize IDs based on reducing risk and maximizing efficiency
- Credit human health protections that also benefit listed species
- New section of IDs on mitigation that reduces exposure to listed species





FIFRA Interim Ecological Mitigation

FIFRA Interim Ecological Mitigation

- Under FIFRA, EPA is placing greater emphasis on addressing ecological risks while considering benefits and impacts of mitigation
 - Reduce risks to all nontarget species identified in a FIFRA risk assessment
 - Reduce exposure to listed species



FIFRA Interim Ecological Mitigation

- EPA has developed a menu of FIFRA Interim Ecological Mitigation measures
 - Focuses on agricultural crops uses of conventional and biological pesticides
 - Proposing in registration review, to be adapted to new use registrations
 - To be adjusted to account for varying risks and benefits of the pesticide
 - Proposed for inclusion on product labels (not Bulletins)
- FIFRA Interim Ecological Mitigation measures do not include
 - Pesticide-specific measures (e.g., application rate reductions)
 - Listed species-specific mitigation measures being developed for ESA Pilots
 - Mitigation measures being developed for listed species under Additional ESA Strategies

FIFRA Interim Ecological Mitigation

- To reduce off-field ecological risks from **surface water runoff or soil erosion**:
 - Surface water protection statements users would follow when precipitation occurs or (for runoff) is forecasted
 - Pick list of conservation buffers and other conservation measures (to be adjusted based on risks and benefits)
 - Vegetative filter strip (minimum width 30 ft for surface water runoff, 20 ft for soil erosion)
 - Field border
 - Field terracing/ contour buffer strips
 - Contour farming
 - Cover cropping
 - No/reduce tillage
 - Grassed waterways
 - Riparian buffer zone/ riparian herbaceous zone
 - Vegetative/grassed ditch banks
 - Runoff retention pond/ water and sediment control basin/ sediment catchment basin/ constructed wetland
 - Strip cropping
 - Vegetative barriers
 - Mulching with natural materials
 - Alley cropping





FIFRA Interim Ecological Mitigation

- To reduce off-field ecological risks from **spray drift**:
 - Droplet size, windspeed, and release height limits
 - Spray drift buffers from aquatic habitats
 - For example, lakes, reservoirs, rivers, permanent streams, wetlands or natural ponds, estuaries, and commercial fish farm ponds
 - Spray drift buffers from conservation areas
 - For example, public lands and parks, Wilderness Areas, National Wildlife Refuges, reserves, and conservation easements

FIFRA Interim Ecological Mitigation

- Other Proposed Label Language
 - Bulletins Live! Two (BLT) system web link
 - Advisory language for insect pollinators
 - Pollinator Hazard Statement
 - Best Management Practices for Pollinator Protection
 - Incident reporting language
 - Treated seed language
 - Labeling for Products with Seed Treatment Uses
 - Instructions for Seed Bag Tags



FIFRA Interim Ecological Mitigation

- How to Comment on FIFRA Interim Ecological Mitigation and Other Proposed Language
 - Appendix to the ESA Workplan Update: Nontarget Species Mitigation for Registration Review and Other FIFRA Actions
 - Docket number EPA-HQ-OPP-2022-0908 at www.regulations.gov
 - 75-day comment period
 - Future Proposed Interim Decisions starting with...
 - Dicloran (DCNA)
 - Etofenprox
 - Norflurazon
 - Thiophanate-methyl/carbendazim (TM/MBC) case



Endangered Species Protection Bulletins and Bulletins Live Two!

Basics of Bulletins

- If limitations on pesticide use are necessary to protect listed species in an area, that information is relayed through a Pesticide Use Limitation Area
- A Bulletin consists of:
 - Spatial location of pesticide use limitations
 - Product/application/formulation information
 - Limitation/mitigation language
- Bulletins are an extension of the label
 - Allows for location-specific protections
 - Bulletins can be converted into a 'printable' pdf

How to Find Your Mitigation Requirements

- Works on a computer or a smartphone
- Bulletins live Two! website allows pesticide users to enter
 - a field address
 - crossroads
 - zip code
 - GPS coordinates
 - Or other location data

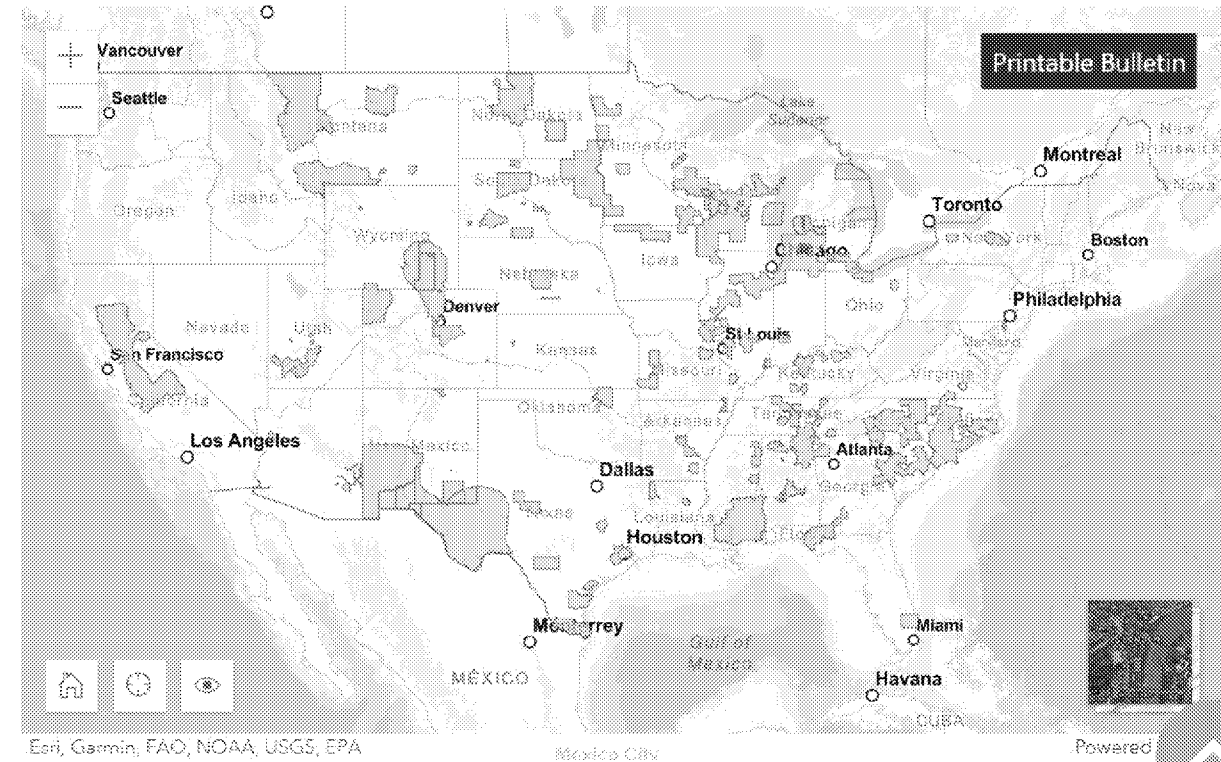
Location Search:

Find Place

Application Month:

November 2022

EPA Registration Number:

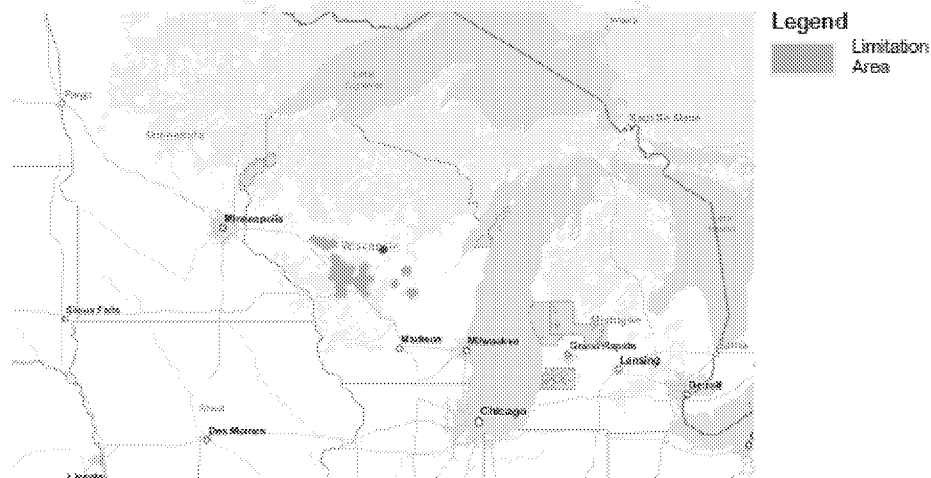


Endangered Species Protection Bulletin



Application Month: March 2023
Product: INTREPID 80WSP AGRICULTURAL INSECTICIDE (62719-438)

- 1 Areas where pesticide use must be limited are identified on the map. A legend is located beside the map to help pinpoint these locations.



- 2 Look below at the Pesticide Use Limitation Summary Table. This table lists the user selected Active Ingredient(s) (AIs) or Product(s) with pesticide use limitations on the printed map. Locate the Active Ingredient (AI) or Product you intend to apply in this table and identify the code in the last column. This code indicates the specific limitation associated with that AI or Product. A limitation description for each code can be found below in the Codes and Limitations Table. If multiple Pesticide Use Limitation Areas (PULAs) are visible on the map, these tables provide information for the highlighted PULA.

If you are applying a pesticide that contains more than one Active Ingredient, or multiple Products, then multiple codes may apply. Follow the limitations for all codes when using this pesticide.

This document contains legal requirements for the use of certain pesticides.
Do not modify any text, graphics or coloration or otherwise alter this document.
ESPP Contact: ESPP@epa.gov Phone: 1-844-447-3813

Endangered Species Protection Bulletin

Pesticide Use Limitation Summary Table

Product	AI	Use	Method	Form	Code
INTREPID 80WSP AGRICULTURAL INSECTICIDE (62719-438)	Methoxyfenozide	Cranberries	Aerial spray	Any form	1a
INTREPID 80WSP AGRICULTURAL INSECTICIDE (62719-438)	Methoxyfenozide	Cranberries	Ground spray	Any form	1a
INTREPID 80WSP AGRICULTURAL INSECTICIDE (62719-438)	Methoxyfenozide	All Other Uses	Aerial spray	Any form	1
INTREPID 80WSP AGRICULTURAL INSECTICIDE (62719-438)	Methoxyfenozide	All Other Uses	Ground spray	Any form	1

Codes and Limitations Table


Code	Limitation
1	Do not apply this product in the specified areas.

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Not all pesticides that reference BLT on the label will have geographically specific ESA mitigation

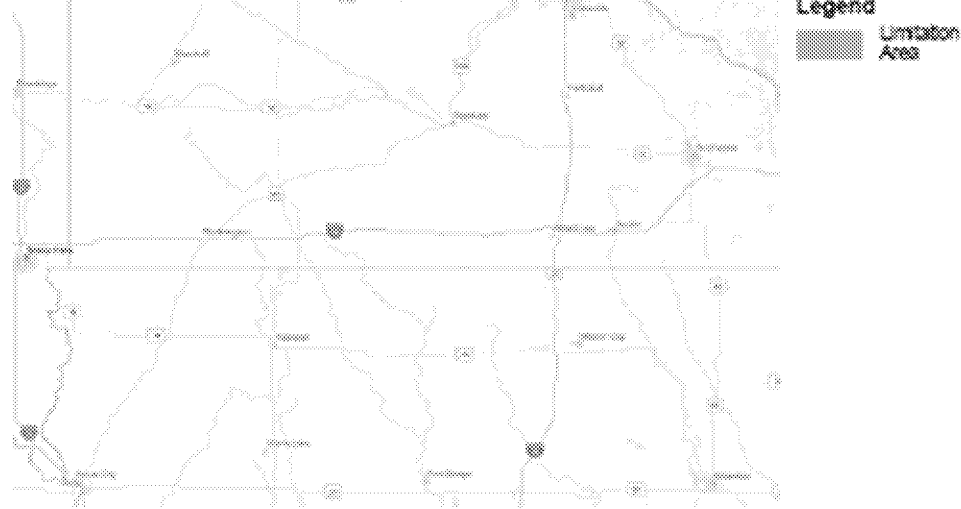
- The pdf will show a blank map
- The text will read, “Currently, no pesticide use limitations exist within the printed map view for the month/year and product you selected, beyond the instructions specified on the pesticide label.”
- Absence of a bulletin one season does not indicate absence of a bulletin the following season
- Applicators must check the system within 6 months of planned application

Endangered Species Protection Bulletin



Application Month: February 2022
Product: INTREPID 80WSP AGRICULTURAL INSECTICIDE (62719-438)

1 Areas where pesticide use must be limited are identified on the map. A legend is located beside the map to help pinpoint these locations.



Legend
Limitation Area

Currently, no pesticide use limitations exist within the printed map view for the month/year and product you selected, beyond the instructions specified on the pesticide label.
Follow the use instructions on your label.

Ensure that your pesticide application area is within the printed map view. If it is not, follow the directions on the instructions Tab to ensure that your pesticide application area is captured within the printed map view.

Please check back if you plan to apply your pesticide in an area outside the map view or in a month and year other than the one for which this Bulletin is valid.

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Do not modify any text, graphics or coloration or otherwise alter this document.
ESPP Contact: ESPP@epa.gov Phone: 1-844-447-3813

Label Language Referencing BLT

- **“ENDANGERED AND THREATENED SPECIES PROTECTION REQUIREMENTS:** It is a Federal offense to use any pesticide in a manner that results in an unauthorized “take” (e.g., kill or otherwise harm) of an endangered species, and certain threatened species, under the Endangered Species Act section 9.
- When using this product, you must follow the measures, including any timing restrictions, contained in the Endangered Species Protection Bulletin for the area where you are applying the product.
- Before using this product, you must obtain a Bulletin at any time within 6 months of the day of application. To obtain Bulletins, consult <http://www.epa.gov/espp>.
- For general questions or technical help, call 1-844-447-3813, or email ESPP@epa.gov.”
- **We are seeking public input on:**
 - General clarity of this language
 - Requirement to obtain a bulletin within 6 months prior to application

Additional BLT Resources

- Written Tutorial
 - Read the tutorial Bulletins Live! Two: <https://www.epa.gov/endangered-species/bulletins-live-two-bl-tutorial>
- Quick Start Guide
 - <https://www.epa.gov/endangered-species/endangered-species-protection-bulletins#quick>
- Learn how to locate the EPA registration number to search for a product in Bulletins Live! Two
 - <https://www.epa.gov/endangered-species/endangered-species-protection-bulletins#how-to>



Additional ESA Strategies

Strategies to Expedite Progress on ESA Workplan Initiatives

- Group assessments and mitigations based on:
 - Pesticide type or use
 - Region
 - Species
- Offsets

Programmatic Consultations

- Programmatic Approaches are defined in the Services' ESA regulations as “consultation addressing an agency's multiple actions on a program, region, or other basis” (50 CFR § 402.02)
- Incorporating strategies into programmatic consultations with the appropriate Service would:
 - Further solidify approaches and streamline pesticide consultations
 - Increase regulatory certainty for pesticide registrants and users for the species/pesticides covered by the strategy
 - Increase efficiency of current and future ESA consultations

Pesticide Groups: Rodenticides

- EPA intends to conduct its ESA analyses (biological evaluations) for *all* listed species and their designated critical habitats on *all* 11 rodenticides as a group
 - Where appropriate, EPA will similarly initiate consultation with the appropriate Service
- Ensures consistent evaluation and mitigation across rodenticides
- Increases efficiencies by eliminating the need to produce 11 biological evaluations and consult (if necessary) on all 11 rodenticides individually

Pesticide Groups: Herbicides

- Develop a broad approach to address spray drift and runoff transport from treated fields to minimize exposure to *listed plants* from herbicides
- Goal is to reduce the likelihood of jeopardy and adverse modification for federally listed plants and species that depend on plants
- For future herbicide biological evaluations and consultations, EPA and FWS would focus on potential effects not addressed in this strategy
 - Example: effects to animals on the treated field or newly listed species

Pesticide Use

- EPA is exploring grouping assessments and mitigations for certain pesticide uses
- Examples
 - Mosquito adulticides
 - Residential uses
- EPA welcomes input from various pesticide user groups to inform these strategies

Regional Strategies

- EPA is developing an approach to address listed species and their designated critical habitat in Hawaii across pesticides
- Why start with Hawaii?
 - Approximately 40% of listed species are in Hawaii
 - Many species appear to be in protected areas or in locations unlikely to be associated with pesticide exposure
 - EPA and its federal partners envision developing a broad set of mitigation measures for pesticide uses in Hawaii, and
 - Specific mitigation measures, if needed, for some narrow range species that would apply if the pesticide use overlaps with the species' locations
- Strategy is under development
- Based on what EPA learns in developing a Hawaii Strategy, the approach may be expanded other regions

Vulnerable Species

- Pilot
 - Identify mitigation measures for approximately 25 federally listed species with limited ranges and where pesticides have already been identified as a possible stressor to the species
 - EPA is currently in the process of identifying mitigation for this first set of species
 - EPA expects to begin public outreach by mid-2023
- In 2023, EPA expects to develop a plan to expand the Pilot to include additional species
 - Consider similarities and differences among species
 - To what extent do mitigation measures developed for the pilot species apply to other species
- Additional information on this pilot can be found at:
<https://www.epa.gov/endangered-species/implementing-epas-workplan-protect-endangered-and-threatened-species-pesticides>

Offsets and Compensatory Mitigations

- EPA continues to welcome proposals to incorporate offsets into pesticide consultations
- Mitigation hierarchy
 1. avoiding impacts;
 2. minimizing exposure and potential for take; and
 3. offsetting effects
- EPA expects to work with the Services to identify species that may be particularly amenable to offsets
- Offsets may also be useful in other FIFRA actions beyond registration review and could be part of a programmatic approach

Next Steps

- EPA will provide additional information and updates on its website as we continue to make progress on these efforts
 - Quarterly updates to ESA Workplan website:
<https://www.epa.gov/endangered-species/epas-workplan-and-progress-toward-better-protections-endangered-species>
- Upcoming opportunities for public comment
 - Proposed label language in Appendix to ESA update (EPA-HQ-OPP-2022-0908)
 - Proposed Interim Decisions (DCNA, etofenprox, norflurazon, TM/MBC, and more)
 - ESA registration review pilots (methomyl-EPA-HQ-OPP-2010-0751, carbaryl, rodenticides)
 - EPA vulnerable species pilot
 - EPA strategies for herbicides and rodenticides
- Public feedback will inform elements of ESA workplan

Pose Your Questions

The screenshot shows a web browser window with a URL bar indicating a secure connection to a Gotowebinar application. The main content area displays a presentation slide from the U.S. Environmental Protection Agency (EPA) titled "ESA Workplan Update: Nontarget Species Mitigation for Registration Review and Other FIFRA Actions", dated November 17, 2022. On the right side, a "Questions" sidebar is open, featuring a vertical toolbar with icons for chat, microphone, and other functions. A grey arrow points to the chat icon in the toolbar, and another grey arrow points to the "Ask the staff a question" input field. At the bottom of the sidebar, there are "Exit" and "Send" buttons.

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EPA

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